

Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

CITY COUNTY COUNCIL PROPOSAL NO. 62, 2009
CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

INTRODUCED: 02/09/2009

REFERRED TO: Public Safety and Criminal Justice Committee

SPONSOR: Councillor Vaughn

DIGEST: approves the consolidation of the Perry Township Fire Department with the Indianapolis Fire Department on or after August 1, 2009

SOURCE:

Initiated by: Office of the Mayor

Drafted by: Mark A. Mertz, Assistant Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____ Date: February 5, 2009

CITY-COUNTY GENERAL ORDINANCE NO. _____, 2009

PROPOSAL FOR A GENERAL ORDINANCE to approve the consolidation of the Perry Township Fire Department with the Indianapolis Fire Department on or after August 1, 2009;

WITNESSETH THAT:

WHEREAS, substantial operational efficiencies, a reduction of administrative costs, and economies of scale may be obtained through the consolidation of certain functions of local units of government; and

WHEREAS, the territory of the Fire Special Service District overlaps a portion of Perry Township, which results in fire protection services in the Township being provided in part by the Perry Township Fire Department and in part by the Indianapolis Fire Department; and

WHEREAS, the fire protection service needs throughout Perry Township are not so varied or dissimilar that their provision by both the Perry Township Fire Department and the Indianapolis Fire Department is required or justified; and

WHEREAS, Indiana statutes authorize the consolidation of a township fire department located in the county into the Indianapolis Fire Department; and

WHEREAS, the city-county council, having been advised by various persons and organizations with respect to the anticipated consequences of such a consolidation, now finds that such consolidation will serve the public interest by resulting in the provision of an enhanced level of public safety and fire protection services with greater efficiency and at a lower cost; now, therefore,

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Perry Township Fire Department (hereinafter referred to as "Perry FD") of Perry Township, Marion County, Indiana (hereinafter referred to as "Township") shall be consolidated into the Indianapolis Fire Department (hereinafter referred to as the "IFD") of the City of Indianapolis, Indiana (hereinafter referred to as "City"), as authorized by and subject to the provisions of Indiana Code § 36-3-1-6.1, and as further provided herein. Such consolidation shall be effective:

- (a) When the Perry Township Board adopts a resolution approving such consolidation, forwards such resolution to the city-county council, and otherwise complies with all procedural requirements set forth in IC 36-3-1-6.1(g); or
- (b) At 12:00:01 a.m. local time on August 1, 2009;

whichever last occurs (hereinafter referred to as the "effective date").

SECTION 2. On the effective date and thereafter, IFD shall provide fire protection services within the geographic area of Perry Township where the Perry FD provides fire protection services on the date this ordinance is adopted; however, IFD shall not provide fire protection services within the geographic area of an excluded city established by Indiana Code § 36-3-1-7, unless:

- (a) On the date this ordinance is adopted, Perry FD provides fire protection services within such excluded city pursuant to written agreement between Perry Township and the excluded city, and the City assumes such agreement under SECTION 3 of this ordinance; or
- (b) Prior to the effective date, the City enters into an agreement with the excluded city to provide fire services therein.

SECTION 3. On the effective date, and subject to the provisions of SECTION 8 of this ordinance, all of the real property used as the Perry FD fire stations, as well as all personal property, equipment, records, rights, and contracts that are owned or used by Perry Township for the benefit of Perry FD are transferred to and/or assumed by the City, for and on behalf of the IFD. Such real property and personal property includes but is not limited to the assets listed in this SECTION.

- (a) REAL PROPERTY. The Township shall convey to the City title to the following real property, as well as all physical assets contained therein:
 - (1) The Perry FD Station 61, located at 1108 East Thompson Road;
 - (2) The Perry FD Station 62, located at 7447 South Meridian Street;
 - (3) The Perry FD Station 63, located at 4155 East Stop 11 Road; and
 - (4) The Perry FD Station 64, located at 1925 West Edgewood Avenue.
- (b) VEHICLES. The Township shall convey to the City title to the following vehicles and fire-fighting apparatus:

<i>Asset/Serial No.:</i>	<i>Item Description:</i>	<i>Category Code:</i>
19BBC1214KCA90070	1990	Tiltbed Trailer
49B500E1411007938	1993	Tiltbed Trailer
4P1CT02E9TA000131	1996 PUMPER	RESERVE/PIERCE DASH
2B4FP2539WR70734	1998 CARAVAN	DODGE/C 651
4P1CT02U9WA000657	1998 PUMPER	RESERVE/PIERCE
1GNFK16R1XJ468704	1999 SUBURBAN	CHEVY/C 660
1GKEK13T91J176959	2001 YUKON	GMC B/6
1FMRV16W821B00020	2002 EXPEDITION	FORD 601
1FTR44V42PA60676	2002 RANGER	FORD QUART/MAS 615
2FAFP71W73X126983	2003 CROWN VIC	FORD QM/C 611
1D46P25E55B316969	2005 CARAVAN	DODGE/C 602
1D46P25R35B108835	2005 CARAVAN	DODGE/C 605
1D48P25R15B108834	2005 CARAVAN	DODGE/C 661
1D4GP25R55B108836	2005 CARAVAN	DODGE/C 606
4ENGAAA8841008381	2005 PUMPER	E64/ E-ONE-TYPHOON
4PLCDO1H75A005114	2005 AERIAL	PIERCE / DASH 100FT.
4P1CV01H77A007297	2007 PUMPER	E61/ PIERCE VELOCITY

4P1CV0H27A007448	2007 PUMPER	E62/ PIERCE VELOCITY
4P1CV01H37A007331	2007 PUMPER	E63/ PIERCE VELOCITY
4ENRAAA8061002137	2006 STRIKE RIG	HEAVY RESCUE/E-ONE TYPH
1FTHX26F6SKA80904	1995 AIR RIG	FORD F250 4X4
1M9DA13A47M646635	2008 AIR RIG	SCOTT-LIBERTY/ TRAILER
134874	2008 SQUAD	E-One/GMC 5500 4 dr 2 X 4
134875	2008 SQUAD	E-One/GMC 5500 4 dr 2 X 4
-----	2009 BC Vehicle	Chevrolet ¾ Ton 4dr 4 X 4
-----	2009 Staff Car	Chevrolet Tahoe 4 X 4

- (c) OTHER PERSONAL PROPERTY. The Township shall convey to the City, on or before the effective date, ownership of all other items of personal property and assets that are owned by the Township as of the date this ordinance, and that are used for the fire and ambulance service and/or necessary for the continuation of fire and ambulance service within the former Perry FD jurisdiction.

The Township shall retain ownership of, and maintain in good repair, all property that will be transferred to the City as provided in this SECTION, continuously from the date this ordinance is adopted until the property is transferred. The Township further shall advise and obtain the written approval of the IFD Chief regarding any acquisition of property, or any agreement to acquire or dispose of property entered into, from the date this ordinance is adopted until the effective date.

SECTION 4. IFD shall continue to operate the fire stations listed in SECTION 3(a) of this ordinance continuously from the effective date until there is countywide fire consolidation or December 31, 2010, whichever first occurs. However, this SECTION shall not require IFD to close existing fire stations in order to continue to operate the stations listed in SECTION 3 (a) of this ordinance or to otherwise alter IFD's responsibilities as set forth at Sec. 252-109 (3).

SECTION 5. On the effective date, the Township Board shall cease to have any authority over Perry FD, including its budget, except as set forth in this ordinance. All responsibility and authority for the consolidated department shall rest with IFD, the City's Department of Public Safety, the City Controller, the Mayor, and the City-County Council. In the preparation of the IFD budget and when making purchases for the IFD, the Director of Public Safety shall consult with the Administrator of the Office of minority-owned and women-owned business enterprises (Sec. 202-204) in order to assure the City-County Council that requirements of Sec. 202-401 are complied with for each budget submitted.

SECTION 6. On the effective date, the employees of the Perry FD shall cease employment with the Perry FD and become employees of the IFD. In this regard, the City shall assume all agreements with labor organizations that are in effect on the effective date and that apply to the employees of the Perry FD who become employees of IFD. Further in this regard, the Township shall advise and consult with the IFD Chief regarding any termination, layoff, or other reduction in force of Perry FD employees, the employment of any additional Perry FD personnel, or the promotion of any Perry FD personnel from the date this ordinance is adopted until the effective date. Subject to the provisions of this SECTION and the provisions of SECTIONS 18 and 19 of this ordinance, all appointments made pursuant to Sec. 252-103 (d), Sec. 252-106 (c) and Sec. 252-107 (c) shall be made together with paramount and lawful consideration of job related qualifications, with the intent to adhere to the following statement of IFD policy:

It shall be the policy of IFD that fire protection services are best performed by a workforce and leadership that represent the community served by such department, in accordance with federal and state laws and regulations

At the request of a majority of the Public Safety and Criminal Justice Committee of the City-County Council, and in no event less than once annually, the Director of Public Safety shall come before the Committee and shall report as to the progress of IFD in achieving the aforesaid goals as to the demographic makeup of IFD. This report shall include the demographic makeup of each recruit class and of each appointment and/or promotion in IFD from the time of the last proceeding report, and further will outline efforts that have been and/or will be made in the coming year with regard to achieving the aforesaid demographic goals. For purposes of this SECTION, the demographic composition of Marion County shall be established by the official statistics published in the latest U.S. Census, or any official interim published U.S. Census projection.

Further, IFD shall institute school-based programs in the public schools of Marion County designed to develop interest in and qualifications for future members of the IFD, including its affiliated emergency medical services and/or service providers by means of promoting specialized training and certification in achieving the designation of emergency medical technician for the benefit of the residents of Marion County.

SECTION 7. On the effective date, the duties of the Perry FD merit board are transferred to and assumed by the City's civilian fire merit board.

SECTION 8. Upon consolidation, any indebtedness related to fire protection services incurred prior to the effective date by the Township, or by any entity on behalf of the Township, shall remain the debt of the Township and does not become a debt of, and may not be assumed by, the City. Such indebtedness shall include, but not be limited to all personnel costs, utility expenses, legal claims and other expenses of providing fire protection service incurred through the day immediately preceding the effective date. In this regard, any indebtedness related to fire protection services incurred prior to the effective date by the City shall remain the debt of the City, and property taxes levied to pay such debt may only be levied by the City's fire special service district or the consolidated fire district as it existed before the effective date.

SECTION 9. Upon consolidation, the Township shall retain all cash assets and investments, and the right to receive all tax levies, assessments and other tax distributions due and payable prior to January 1, 2010, whether or not such sums are paid to the Township prior to that date. The Township shall use any cash assets, investments, tax levies, assessments and other tax distributions designated for firefighting purposes, including, but not limited to, firefighting funds and fire cumulative funds, to pay any indebtedness described in SECTION 8 of this general ordinance. The Township shall transfer any remaining cash assets, investments, tax levies, assessments and revenues designated for the fire fighting and fire pension funds to the City.

SECTION 10. Upon consolidation, the Township shall transfer and remit to the City any and all receivables owed and revenues collected for the Township for obligations that become due and payable on or after January 1, 2010, budgeted or to have been used in connection with firefighting operations and pensions, including but not limited to cash assets, investments, tax levies, assessments and other tax distributions.

SECTION 11. On the effective date, a Perry FD firefighter who was a member of either the 1937 firefighters' pension fund or the 1977 police officers' and firefighters' pension and disability fund prior to the effective date, remains a member of his or her respective fund, and shall receive credit for any service as a member of such fund prior to the effective date, as provided in Indiana Code § 36-3-1-6.1, subsections (h)(2) and (h)(3).

SECTION 12. On the effective date, the Township's local boards for the 1937 firefighters' pension or the 1977 police officers' and firefighters' pension and disability fund are dissolved and their services are terminated, as provided in Indiana Code § 36-3-1-6.1, subsection (h)(6). The duties performed by such local boards under Indiana Code Chapter 36-8-7 and Indiana Code Chapter 36-8-8, respectively, are assumed by the City's local boards.

SECTION 13. Upon consolidation, property taxes to fund the pension obligation under Indiana Code Chapter 36-8-7 for members of the 1937 firefighters fund and to fund the obligation under Indiana Code Chapter 36-8-8 for members of the 1977 police officers' and firefighters pension and disability fund who were members of IFD on December 31, 2008 may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund and members of the 1977 police officers' and firefighters pension and disability fund who were not members of the fire department of the consolidated city on December 31, 2008 may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy within the fire special service district and the townships whose departments have been consolidated into the fire department of the consolidated city as provided in Indiana Code § 36-3-1-6.1(h)(7).

SECTION 14. On the effective date, the maximum permissible ad valorem property tax levy for fire protection and related services for the Township under Indiana Code Chapter 6-1.1-18.5 for property taxes first due and payable in 2010, is reduced for the Township by the amount equal to the maximum permissible ad valorem property tax levy in 2009 for fire protection and related services for the Township, and such levy is transferred to the consolidated city as provided in Indiana Code § 36-3-1-6.1, subsection (h)(4)(B).

SECTION 15. On the effective date, the ad valorem property tax levy for the Township's fire cumulative building and equipment fund for property taxes first due and payable in 2010, is reduced for the Township by the amount equal to the property tax levy in 2009 for the Township's fire cumulative building and equipment fund and such levy is transferred to the consolidated city as provided in Indiana Code § 36-3-1-6.1, subsection (h)(5).

SECTION 16. The Township currently uses its certified monthly distribution of the county option income tax (hereinafter referred to as "COIT") to pay the costs of operating Perry FD. The Township and the City shall enter into an interlocal agreement regarding the transfer of COIT used to pay the costs of operating the Perry FD to the City for the cost of operating IFD in the Township.

SECTION 17. On the effective date and thereafter, the City shall establish, operate, and maintain fire-based emergency ambulance services in that part of the Township currently served by Perry FD, as provided in Indiana Code § 36-3-1-6.2.

SECTION 18. On the effective date and thereafter, Perry FD firefighters, who were represented by Local 416-Perry Township prior to consolidation, shall continue to be represented by Local 416 so long as Local 416 is the chosen bargaining representative of the firefighters of the consolidated department. The working conditions contained in the collective bargaining agreement between Local 416 and IFD on the date this ordinance is adopted, and IFD's rules and regulations, shall apply to the Perry FD firefighters, including the staffing levels set forth in that agreement.

SECTION 19. Salaries of Perry FD firefighters shall become consistent with IFD on the effective date. This provision does not limit the ability of Local 416 and the City to negotiate regarding firefighter wages and benefits.

SECTION 20. Upon consolidation, the Indianapolis Consolidated Fire Service District tax rate for 2010 shall be equal to the certified Indianapolis Consolidated Fire Service District tax rate from 2009. Further upon consolidation, the overall total of the Perry Township Fire services tax rate for 2010 shall be reduced by five thousandths (.005) from the certified overall total of the Perry Township Fire services tax rate for 2009.

SECTION 21. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 24 ~~22~~. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION ~~22~~ 23. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2009, at _____ p.m.

ATTEST:

Bob Cockrum
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2009, at 10:00 a.m.

Melissa Thompson
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2009.

Gregory Ballard, Mayor